

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

JANICE NETTLES,	)	
	)	C/A No.: 3:04-999-MBS
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>OPINION AND</b>
JOANNE B. BARNHART,	)	<b>ORDER</b>
COMMISSIONER OF SOCIAL	)	
SECURITY ADMINISTRATION	)	
	)	
Defendant.	)	
	)	

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Plaintiff Janice Nettles filed an application for disability insurance benefits on August 28, 2001. Her application was denied initially and on reconsideration, and she requested a hearing before an administrative law judge (“ALJ”). After a hearing held December 12, 2002, the ALJ issued a decision dated January 20, 2004, denying benefits. In support of this denial, the ALJ concluded that work exists in the national economy which Plaintiff can do. The decision of the ALJ became the “final decision” of the Commissioner on March 12, 2004, after the Appeals Council denied Plaintiff’s request for review. Plaintiff thereafter brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the “final decision” of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 83.VII.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph McCrorey for a Report and Recommendation. On July 5, 2005, the Magistrate Judge filed a Report and Recommendation in which he recommended that the Commissioner’s decision to deny benefits be affirmed. Plaintiff filed objections to the Magistrate Judge’s Report and Recommendation on July 19, 2005. The Commissioner filed a response to Plaintiff’s objections on August 4, 2005.

The court is charged with making a *de novo* determination of any portions of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). The district court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). In this case, neither party filed objections to a specific portion of the Report of the Magistrate Judge.

In the absence of specific objections and after a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge McCrorey's Report and Recommendation and incorporates it herein.

It is ORDERED that the Commissioner's decision to deny benefits be **affirmed**.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour \_\_\_\_\_

Margaret B. Seymour  
United States District Judge

September 21, 2005

Columbia, South Carolina